

1983 Assembly Bill 353

Date of enactment: April 23, 1984  
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1983 Wisconsin Act 336

AN ACT to amend 778.25 (title), 778.25 (title), 778.25 (1) and 778.25 (2) (e); to repeal and recreate 778.25 (1) (a) 1 and 778.25 (2) (e); and to create 778.25 (1) (a) 2, 813.125 and 947.013 of the statutes, relating to harassment and providing penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 778.25 (title) of the statutes is amended to read:

**778.25 (title) Citation procedure; certain alcohol beverage and harassment violations.**

SECTION 2. 778.25 (title) of the statutes, as affected by 1983 Wisconsin Acts 74 and ... (this act), is amended to read:

**778.25 (title) Citation procedure; certain alcohol beverage and harassment violations.**

SECTION 3. 778.25 (1) of the statutes is amended to read:

778.25 (1) (a) The citation procedures established by this section may be used only in an action to recover a forfeiture ~~under:~~

1. Under s. 125.07 (1), (3), (4) or (5) or 125.09 (2) or under a local ordinance strictly conforming to one of those statutes brought against an adult in circuit court or against a minor in the court assigned to exercise jurisdiction under ch. 48.

(b) The citation form provided by this section may serve as the initial pleading for the action and is adequate process to give a court jurisdiction over the person if the citation is filed with the court.

SECTION 4. 778.25 (1) (a) 1 of the statutes, as affected by 1983 Wisconsin Acts 74 and .... (this act), is repealed and recreated to read:

778.25 (1) (a) 1. Under s. 125.07 (4) (a) or (b), 125.08 (3) (b) or 125.09 (2) or under a local ordinance strictly conforming to one of those statutes brought against an adult in circuit court or against a minor in the court assigned to exercise jurisdiction under ch. 48.

SECTION 5. 778.25 (1) (a) 2 of the statutes is created to read:

778.25 (1) (a) 2. Under s. 947.013 or a local ordinance strictly conforming to s. 947.013 brought against an adult in circuit court.

SECTION 6. 778.25 (2) (e) of the statutes is amended to read:

778.25 (2) (e) The maximum forfeiture and penalty assessment for which the defendant might be found liable and other penalties which may be imposed including suspension or revocation under s. 343.30 (6). Suspension under s. 343.30 (6) is not an option for violation of a statute or ordinance specified under sub. (1) (a) 2.

SECTION 7. 778.25 (2) (e) of the statutes, as affected by 1983 Wisconsin Acts 74 and .... (this act), is repealed and recreated to read:

778.25 (2) (e) The maximum forfeiture and penalty assessment for which the defendant might be found liable and other penalties which may be imposed including suspension or revocation under s. 343.30 (6). Suspension or revocation under s. 343.30 (6) is not an option for violation of a statute or ordinance specified under sub. (1) (a) 2.

SECTION 8. 813.125 of the statutes is created to read:

**813.125 Harassment restraining orders and injunctions.** (1) DEFINITION. In this section, "harassment" means any of the following:

(a) Striking, shoving, kicking or otherwise subjecting another person to physical contact or attempting or threatening to do the same.

(b) Engaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and which serve no legitimate purpose.

(2) COMMENCEMENT OF ACTION. An action under this section may be commenced by filing a petition described under sub. (5) (a). No action under this section may be commenced by service of summons. Section 813.06 does not apply to an action under this section.

(3) TEMPORARY RESTRAINING ORDER. (a) A judge may issue a temporary restraining order ordering the respondent to cease or avoid the harassment of another person, if all of the following occur:

1. The petitioner files a petition alleging the elements set forth under sub. (5) (a).

2. The judge finds reasonable grounds to believe that the respondent has violated s. 947.013.

(b) Notice need not be given to the respondent before issuing a temporary restraining order under this subsection. A temporary restraining order may be entered only against the respondent named in the petition.

(c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (4). A judge shall hold a hearing on issuance of an injunction within 7 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties or extended once for 7 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence.

(4) INJUNCTION. (a) A judge may grant an injunction ordering the respondent to cease or avoid the harassment of another person, if all of the following occur:

1. The petitioner has filed a petition alleging the elements set forth under sub. (5) (a).

2. The petitioner serves upon the respondent a copy of a restraining order obtained under sub. (3) and notice of the time for the hearing on the issuance of the injunction under sub. (3) (c).

3. After hearing, the judge finds reasonable grounds to believe that the respondent has violated s. 947.013.

(b) The injunction may be entered only against the respondent named in the petition.

(c) An injunction under this subsection is effective according to its terms, but for not more than 2 years.

(5) PETITION. (a) The petition shall allege facts sufficient to show the following:

1. The name of the person who is the alleged victim.

2. The name of the respondent.

3. That the respondent has violated s. 947.013.

(b) The clerk of circuit court shall provide simplified forms.

(6) ARREST. A law enforcement officer shall arrest and take a person into custody if all of the following occur:

(a) A person named in a petition under sub. (5) presents the law enforcement officer with a copy of a court order issued under sub. (3) or (4), or the law enforcement officer determines that such an order exists through communication with appropriate authorities.

(b) The law enforcement officer has probable cause to believe that the person has violated the court order issued under sub. (3) or (4).

(7) PENALTY. Whoever violates a temporary restraining order or injunction issued under this section shall be fined not more than \$1,000 or imprisoned not more than 90 days or both.

SECTION 9. 947.013 of the statutes is created to read:

**947.013 Harassment.** (1) Whoever, with intent to harass or intimidate another person, does any of the following is subject to a Class B forfeiture:

(a) Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same.

(b) Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.

(2) This section does not prohibit any person from participating in lawful conduct in labor disputes under s. 103.53.

SECTION 10. **Effective dates.** (1) Except as provided in subsection (2), this act takes effect on the day following publication.

(2) The treatment of section 778.25 (title), (1) (a) 1 and (2) (e) (by SECTIONS 2, 4 and 7) of the statutes takes effect on July 1, 1984.